

REMARKS

Claims 1-6, 8-15, 21-26, 28-41, 48, 50, 52, 54, 55, 58, 62 and 63 are amended by way of the present response. Claims 7, 16-20, 27, 42-47, 49, 59, and 64-73 stand cancelled without prejudice, waiver, limitation or estoppel.

Claims 1-6, 8-15, 21-26, 28-41, 48, 50-58, and 60-63 are currently pending, of which claims 1, 32 and 41 are in independent form.

Favorable consideration of the present application as currently constituted is respectfully requested.

Regarding the Information Disclosure Statement (IDS)

Applicant appreciates the comments provided in the present Office Action regarding certain alleged errors in the Information Disclosure Statements currently on file. Applicant reserves the right to cure the alleged errors by way of proper citations in future IDS filings.

Regarding the Priority of the Application

The present Office Action appears to take the position that the instant patent application does not meet the conditions to

receive the benefit of the claimed priority. Applicant respectfully traverses this position. Under MPEP §201.08, a Continuation-in-Part (CIP) application should be permitted to claim the benefit of the filing date of an earlier non-provisional application if the CIP application otherwise complies with 35 U.S.C. §120 and 37 C.F.R. §1.78. Accordingly, it is believed that the status of the present application as a CIP application is proper. Applicant reserves the right to perfect and/or reclaim any priority benefit as may be deemed appropriate.

Regarding the Allowable Subject Matter

Applicant gratefully appreciates the indication of allowable subject matter in respect of the present patent application. In particular, claims 27, 28, 39, 40, 49-51 and 67 are objected to as being dependent from a rejected base claim, but are indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended base claims 1, 32 and 41 to include the allowable subject matter of claim 49. It is therefore believed that each of the pending base claims as well as the corresponding dependent claims currently active are believed to be in condition for allowance.

Regarding the Claim Rejections

In the pending Office Action, a number of references are applied in the following combinations to reject the pending claims under 35 U.S.C. §103(a) as being unpatentable: (i) claims 1-10, 15-20, 29, 30, 32, 36, 41-48, 52-55, and 57-59 are rejected over U.S. Patent No. 6,449,722 to West et al. (hereinafter the *West* reference) in view of U.S. Patent No. 6,255,800 to Bork (hereinafter the *Bork* reference); (ii) claim 11 is rejected over the *West* and *Bork* references and further in view of U.S. Patent No. 6,480,593 to Munday et al. (hereinafter the *Munday* reference); (iii) claims 12-14, 33, 34, 60 and 61 are rejected over the *West* and *Bork* references and further in view of U.S. Patent No. 6,408,187 to Merriam (hereinafter the *Merriam* reference); (iv) claims 21, 22, 37, 38, 64-66 and 68 are rejected over the *West* and *Bork* references and further in view of U.S. Patent No. 6,560,468 to Boesen (hereinafter the *Boesen* reference); (v) claim 23 is rejected over the *West* and *Bork* references and further in view of Official Notice; (vi) claims 24, 56, 62 and 63 are rejected over the *West* and *Bork* references and further in view of U.S. Patent No. 6,766,160 to Lemilainen et al. (hereinafter the *Lemilainen* reference); (vii) claims 25 and 35 are rejected over the *West*, *Bork*

and *Lemilainen* references and further in view of U.S. Patent No. 7,136,999 to Griffiths (hereinafter the *Griffiths* reference); (viii) claim 26 is rejected over the *West*, *Bork* and *Lemilainen* references and further in view of *Boesen*; (ix) claim 31 is rejected over the *West* and *Bork* references and further in view of Official Notice; (x) claims 69-71 are rejected over the *West*, *Bork* and *Boesen* references and further in view of U.S. Patent No. 5,590,417 to Rydeck (hereinafter the *Rydeck* reference); and (xi) claims 72 and 73 are rejected over the *West*, *Bork* and *Boesen* references and further in view of *Rydeck* and Official Notice.

Without acquiescing in the foregoing claim rejections and/or the rationale therefor, as well as in the characterization of the applied art and/or the present claims provided in the present Office Action, Applicant respectfully submits that all outstanding rejections have been overcome by way of the present response wherein pending base claims 1, 32 and 41 have been amended to include the subject matter indicated to be allowable. It is therefore believed that the base claims as well as their respective dependent claims are in condition for allowance over the art of record.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights available under the Patent Statute not exercised in connection with this response, such as, including but not limited to, e.g., the right to challenge or rebut any reliance on alleged Official Notices and to challenge or rebut any tacit or explicit characterization of any reference or of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, or the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise.

PATENT APPLICATION
Attorney Docket No.: 1400-1072P9
Client No.: 10072-US-CIP9

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. No extension of time is being requested. Accordingly, it is believed that no fees are due for the filing of this response. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

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SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the pending claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present invention are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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